

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

In re the Prudential Insurance Company
of America

Sales Practice Litigation

Civ. No. 95-4704 (DRD)

This Document Relates to:

Daniel and Mary Alice Mathias

ORDER

This matter having come before the Court on the motion of William H. Kirk to specifically enjoin Daniel and Mary Alice Mathias from violating the Stipulation of Settlement and the Final Order and Judgment issued in In re The Prudential Insurance Company of America Sales Practices Litigation, 962 F. Supp. 450 (D.N.J. 1997), aff'd, 148 F.3d 283 (3d Cir. 1998), cert. denied, 525 U.S. 1114 (1999), and to enjoin Daniel and Mary Alice Mathias from asserting certain claims and presenting certain evidence in a case captioned Daniel W. Mathias, et al. v. William H. Kirk, et al., CV-2006-12-7984, that is currently pending in the Court of Common Pleas in Summit County, Ohio; and the Court having considered the submissions and having determined, pursuant to Federal Rule of Civil Procedure 78(b), that oral argument was not necessary; and for the reasons set forth in the opinion of even date,

IT IS on this 11th day of January, 2008, hereby

ORDERED that:

1. William H. Kirk's motion to specifically enjoin Daniel and Mary Alice Mathias is GRANTED;
2. Daniel and Mary Alice Mathias are hereby enjoined from litigating any and all claims that were resolved by the Final Order and Judgment in In re The Prudential Insurance Company of America Sales Practices Litigation, including, but without being limited to, any claims relating to relief under Prudential Policy Numbers 39 474 442, 75 920 545, and 39 521 476; and
3. Daniel and Mary Alice Mathias are hereby enjoined from relying on class evidence, including statements, representations, or other forms of evidence that were made, or found to have occurred, during the class period, in support of their non-class claims against William H. Kirk.
4. Nothing in this order shall be construed as prohibiting Daniel and Mary Alice Mathias from pursuing their claims before the Court of Common Pleas in Summit County, Ohio relating to Prudential Policy Numbers 35 319 211 and 75 044 536.

/s/ Dickinson R. Debevoise
DICKINSON R. DEBEVOISE, U.S.S.D.J.